

**MONDAY, MARCH 12, 2001**  
**SEVENTEENTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jimmy Burroughs, Pine Grove Baptist Church, Lexington, Tennessee.

Representative McDaniel led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Clem; illness.

Representative J. DeBerry; business reasons.

Representative Garrett; business reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 124:** Rep(s). Kisber as prime sponsor(s).

**House Joint Resolution No. 127:** Rep(s). Pleasant and Ridgeway as prime sponsor(s).

**House Bill No. 799:** Rep(s). Hood and Maddox as prime sponsor(s).

**House Bill No. 1576:** Rep(s). Patton as prime sponsor(s).

**House Bill No. 1598:** Rep(s). Shepard as prime sponsor(s).

**MESSAGE FROM THE SENATE**  
**March 12, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 114; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 114** -- Naming and Designating - Designates press room adjacent to Room 12/14 in Legislative Plaza as "Speaker George Oliver Benton Suite.". by \*Cohen.

**MESSAGE FROM THE SENATE**  
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MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 79, 85, 106, 107, 108, 115 and 116; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 79** -- General Assembly, Confirmation of Appointment - William Cox, Wildlife Resources Commission. by \*Norris.

**Senate Joint Resolution No. 85** -- General Assembly, Confirmation of Appointment - Michael Bruce Gaw, Wildlife Resources Commission. by \*Burks, \*Davis L, \*Dixon.

**Senate Joint Resolution No. 106** -- Memorials, Recognition - Nuclear Fuel Services, Inc. by \*Crowe, \*Haun.

**Senate Joint Resolution No. 107** -- Memorials, Professional Achievement - John A. "Jack" Spann, III, newly elected President of Insurors of Tennessee's 2001 Board of Directors. by \*Haynes, \*Harper, \*Rochelle, \*Kyle, \*Henry, \*Herron.

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**Senate Joint Resolution No. 108** -- Memorials, Congratulations - Laura Dugger. by \*Haynes.

**Senate Joint Resolution No. 115** -- Memorials, Death - Charles Patten. by \*Miller J, \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 116** -- Memorials, Professional Achievement - Dorene Harris Lowery, Tennessee Teacher of the Year. by \*Miller J.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Reps. Miller, Briley and Sen. Harper were recognized in the Well to introduce Bud Adams and members of the Tennessee Titans Football Team, 2000 AFC Central Regular Season Champions, for remarks.

**RULES SUSPENDED**

Rep. Miller moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 13 out of order, which motion prevailed.

**House Joint Resolution No. 13** -- Memorials, Sports - Tennessee Titans, AFC Central Champions. by \*Miller L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Miller, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**RECOGNITION IN THE WELL**

Reps. Harwell, Kisber and Sen. Henry were recognized in the Well to introduce the Junior League of Tennessee for remarks.

**RULES SUSPENDED**

Rep. Harwell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 124 out of order, which motion prevailed.

**House Joint Resolution No. 124** -- Memorials, Recognition - Junior League of Tennessee, 100th Anniversary. by \*Harwell, \*Kisber.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Harwell, the resolution was adopted.

A motion to reconsider was tabled.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 121** -- Naming and Designating - Names Administration Building at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of former Shelbyville Fire Chief Garland King. by \*Phillips.

House State and Local Government Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 15, 2001:

**House Joint Resolution No. 126** -- Memorials, Retirement - Reverend Carl N. Price. by \*Bone.

**House Joint Resolution No. 127** -- Memorials, Congratulations - Ronny L. Greer, Al Menah Shriners Potentate 2001. by \*Shepard, \*Pinion, \*Rowland, \*West, \*Odom, \*Turner (Davidson), \*Pleasant, \*Ridgeway, \*Davis (Washington), \*Sharp, \*Newton.

**House Joint Resolution No. 128** -- Memorials, Recognition - National Association of Letter Carriers and Rural Letter Carriers of Elizabethton Post Office. by \*Cole (Carter).

**House Joint Resolution No. 129** -- Memorials, Academic Achievement - Eve Bilbrey's second grade class, Charlotte Park School, Read Across America campaign. by \*Odom.

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**House Joint Resolution No. 130** -- Memorials, Academic Achievement - Charlotte Park School students, participants in Read Across America campaign. by \*Odom.

**House Joint Resolution No. 131** -- Memorials, Death - Bill "Razz" Rasbach. by \*Rinks, \*Naifeh, \*Shepard.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 15, 2001:

**Senate Joint Resolution No. 106** -- Memorials, Recognition - Nuclear Fuel Services, Inc. by \*Crowe, \*Haun.

**Senate Joint Resolution No. 107** -- Memorials, Professional Achievement - John A. "Jack" Spann, III, newly elected President of Insurors of Tennessee's 2001 Board of Directors. by \*Haynes, \*Harper, \*Rochelle, \*Kyle, \*Henry, \*Herron.

**Senate Joint Resolution No. 108** -- Memorials, Congratulations - Laura Dugger. by \*Haynes.

**Senate Joint Resolution No. 115** -- Memorials, Death - Charles Patten. by \*Miller J, \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**Senate Joint Resolution No. 116** -- Memorials, Professional Achievement - Dorene Harris Lowery, Tennessee Teacher of the Year. by \*Miller J.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1970** -- Hamblen County - Subject to local approval, creates part-time general sessions court and provides for appointment and election of judge to serve such court and hold such court at least 2.5 days per week. Amends Chapter 235 of the Private Acts of 1947; as amended. by \*Ford S.

**House Bill No. 1971** -- Meigs County - Subject to local approval, enacts hotel/motel tax. by \*Newton.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 462** -- Local Government, General - Creates additional exception to resolution, notice and election requirements for lease, loan agreement, sales contract or operating contract between municipal corporation and public building authority for certain school bonds. Amends TCA Section 12-10-115. by \*Rochelle. (HB873 by \*Kisber)

**\*Senate Bill No. 515** -- Registrars of Deeds - Allows county register to refuse to register any illegible writing and does not allow person seeking registration to affirm that illegible document is best copy. Amends TCA Section 66-24-101(b). by \*Henry. (HB777 by \*Briley)

**\*Senate Bill No. 1329** -- Public Funds and Financing - Appropriates sum sufficient to service debt to funding board on continuing basis; establishes legislative intent that certain entities authorized to issue bonds receive continuing appropriation of earnings, revenues, or other assets. Amends TCA Title 9. by \*Henry. (HB1530 by \*Kisber)

**\*Senate Bill No. 1333** -- Bonds and Undertakings, Regulation of - Deletes requirement that tax-exempt status of state bonds be printed on such bonds. Amends TCA Section 7-82-105; Section 49-9-103 and Section 67-5-205. by \*Henry. (HB1528 by \*Kisber)

**Senate Bill No. 1352** -- State Symbols - Designates Tennessee Aviation Hall of Fame in Sevier County as official state aviation hall of fame. Amends TCA Title 4, Chapter 1, Part 3. by \*Clabough, \*Wilder, \*Cohen, \*Williams. (\*HB287 by \*Montgomery)

**Senate Bill No. 1727** -- Utilities, Utility Districts - Authorizes increase in per diem that may be received by certain utility district commissioners in counties having charter form of government. Amends TCA Section 7-82-308. by \*Atchley. (\*HB1335 by \*Buttry, \*Dunn, \*Armstrong, \*Boyer, \*Bittle, \*Davidson)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1965** -- Bradley County -- Local Bill Held on House Desk

**House Bill No. 1966** -- Williamson County -- Local Bill Held on House Desk

**House Bill No. 1967** -- Humboldt -- Local Bill Held on House Desk

**House Bill No. 1968** -- Elkton -- Local Bill Held on House Desk

**House Bill No. 1969** -- Marshall County -- Local Bill Held on House Desk

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**CAPTION BILLS REFERRED**

**March 12, 2001**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 290, 1056, 1300 and 1390 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 290** -- Taxes, Ad Valorem – House State and Local Government Committee

**House Bill No. 1056** -- Gas, Petroleum Products, Volatile Oils – House State and Local Government Committee

**House Bill No. 1300** -- Domestic Violence – House Children and Family Affairs Committee

**\*House Bill No. 1390** -- Children – House Health and Human Resources Committee

**CONSENT CALENDAR**

**House Resolution No. 32** -- Memorials, Retirement - Jack Edward Muecke. by \*Ferguson.

**House Resolution No. 33** -- Memorials, Personal Occasion - Lowry H. Powell, 80th birthday. by \*Vincent.

**House Resolution No. 34** -- Memorials, Death - Carl H. Maroney. by \*Phillips.

**House Joint Resolution No. 118** -- Memorials, Recognition - Robert Anthony Robertson. by \*Pleasant, \*Hargett, \*Wood, \*Ford S.

**House Joint Resolution No. 120** -- Memorials, Professional Achievement - Jennifer Dye, Presidential Award for Excellence in Science and Math Teaching. by \*Black, \*McDonald.

**House Joint Resolution No. 122** -- Memorials, Recognition - Ms. Dziech's Eighth Grade Class at Fairfield Middle School. by \*Turner (Hamilton).

**House Joint Resolution No. 123** -- Memorials, Recognition - Knox County Young Republican Club. by \*Bittle, \*Dunn, \*Hagood, \*Boyer, \*Westmoreland, \*Baird, \*Montgomery, \*Newton, \*Buttry.

**\*House Bill No. 219** -- Motor Vehicles, Titling and Registration - Authorizes issuance of disabled veteran plates for motor vehicles registered or leased jointly to disabled veteran and spouse. Amends TCA Title 55, Chapter 4. by \*McDonald, \*Ridgeway, \*Fowlkes, \*Cooper B. (SB356 by \*Cooper J)

**\*House Bill No. 798** -- Fiduciaries - Enacts certain provisions relative to abuses of fiduciary powers of trustees in making investments under prudent man rule. Amends TCA Title 35, Chapter 3. by \*Fitzhugh. (SB1187 by \*Clabough)

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**House Bill No. 1206** -- Mental Health and Developmental Disabilities, Dept. of - Requires department to assess in writing fiscal impact on licensees of department caused by change to rule, regulation, policy, or guideline relating to operation of licensee for rendering services pursuant to contract, grant, or agreement with division. Amends TCA Title 33. by \*Maddox, \*Armstrong, \*Ferguson, \*Kisber, \*Fitzhugh. (\*SB461 by \*Rochelle)

**House Bill No. 1264** -- Monroe County - Subject to local approval, authorizes county to regulate location and development of mobile home and travel trailer parks. Amends Chapter. by \*McKee, \*Johnson. (SB1568 by \*Miller J)

**House Bill No. 1950** -- Humboldt - Subject to local approval, increases mayor's salary to \$55,000 per year, with annual 3 percent increase; increase to apply to mayor next elected following effective date of act. Amends Chapter 77 of the Private Acts of 1913 (First Extraordinary Session); as amended. by \*Phelan. (SB1923 by \*Carter)

**House Bill No. 1951** -- McNairy County - Subject to local approval, repeals Chapter 150 of Private Acts of 2000, which authorized levy of privilege tax on hotel occupancy. - Chapter 150 of the Private Acts of 2000. by \*Rinks.

**House Bill No. 1954** -- Bedford County - Subject to local approval, increases from greater than \$1,000 to greater than \$5,000 amount of county purchases requiring sealed competitive bids; requires three quotes for purchases of between \$2,500 and \$5,000; requires customary purchase order for purchases less than \$2,500. Amends Chapter 357 of the Private Acts of 1945; as amended. by \*Phillips. (SB1928 by \*Trail)

**House Bill No. 1955** -- Haywood County - Subject to local approval, establishes remedy where owner's property is endangering health, safety and welfare of other citizens. by \*Fitzhugh.

**House Bill No. 1956** -- Williamson County - Subject to local approval, specifies that upon death of spouse or designated beneficiary receiving benefits under general sessions judge's retirement fund due to death of judge such benefits will be transferred to county general fund. Amends Chapter 221 of the Private Acts of 1961; as amended. by \*Williams (Williamson).

**House Bill No. 1957** -- Meigs County - Subject to local approval, authorizes county clerk to require evidence of compliance with county zoning ordinances prior to issuing business license. by \*Newton. (SB1924 by \*Elease)

**House Bill No. 1960** -- Athens - Subject to local approval, clarifies when term of office for board of education members begins and specifies that utilities board expenditures greater than \$10,000, instead of greater than \$4,000, require competitive bidding process. Amends Chapter 455 of the Private Acts of 1953; as amended. by \*McKee. (SB1926 by \*Elease)

**Senate Joint Resolution No. 92** -- Memorials, Death - Irby Cooper. by \*Herron, \*Cohen, \*Ford J, \*Herron, \*Dixon.

**Senate Joint Resolution No. 93** -- Memorials, Death - Barnette Mills. by \*McNally.

**Senate Joint Resolution No. 95** -- Memorials, Congratulations - Williamson Chapel's 115th Anniversary. by \*Rochelle, \*Williams.



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**Senate Joint Resolution No. 97** -- Memorials, Recognition - Bishop W. C. Hunter, World's Church of the Living God. by \*Crutchfield, \*Cooper J.

**Senate Joint Resolution No. 98** -- Memorials, Public Service - James R. Mapp. by \*Crutchfield, \*Fowler.

**Senate Joint Resolution No. 99** -- Memorials, Public Service - Mrs. Tommie S. Montgomery. by \*Crutchfield.

**Senate Joint Resolution No. 100** -- Memorials, Public Service - Arnold A. Stulce, Sr. by \*Crutchfield, \*Kyle, \*Harper, \*Henry, \*Cohen, \*Williams, \*Fowler, \*Dixon, \*Herron.

**Senate Joint Resolution No. 101** -- Memorials, Public Service - Mayor Fred Pruett of East Ridge. by \*Crutchfield, \*Fowler.

**Senate Joint Resolution No. 103** -- Memorials, Sports - Hunter Middle School girls' basketball team. by \*Graves.

**Senate Joint Resolution No. 104** -- Memorials, Death - Charles Talcott West. by \*Clabough, \*Rochelle.

Rep. Davidson moved that all members voting aye on Senate Joint Resolution No. 92 and 100 be added as sponsors, which motion prevailed.

Rep. Hargett moved that all members voting aye on House Joint Resolution No. 118 be added as sponsors, which motion prevailed.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1264:** by Rep. McKee

Under the rules, House Bill(s) No(s). 1264 was/were placed at the foot of the calendar for March 15, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L. Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 387** -- Uniform Laws - Enacts "Uniform Electronic Transactions Act.". by \*Fitzhugh. (SB376 by \*Dixon)

Rep. Fitzhugh moved that House Bill No. 387 be reset for the Regular Calendar on March 26, 2001, which motion prevailed.

**House Bill No. 799** -- Insurance Companies, Agents, Brokers, Policies - Enacts "Charitable Gift Annuities Exemption Act." Amends TCA Title 56, Chapter 52, Part 1. by \*Fitzhugh. (\*SB932 by \*McNally)

Rep. Fitzhugh moved that House Bill No. 799 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 799 By deleting from the amendatory Section 56-52-102(c)(1) in Section 1 the language "one million dollars (\$1,000,000)" and by substituting instead the language "one hundred thousand dollars (\$100,000)".

Rep. McDaniel requested that House Bill No. 799 be moved to the heel of the Calendar.

**\*House Bill No. 189** -- Motor Vehicles, Titling and Registration - Allows owner or lessee of antique motor vehicle to display license plates of year within 10 years of manufacture of such vehicle instead of current license plates. Amends TCA Section 55-4-111. by \*Williams (Williamson). (SB223 by \*Kurita)

On motion, House Bill No. 189 was made to conform with **Senate Bill No. 223**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that **Senate Bill No. 223** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1124** -- Motor Vehicles - Requires parked authorized emergency vehicle to use only visual signals instead of visual and audible signals used when vehicle is in motion. Amends TCA Title 55, Chapter 8. by \*Curtiss. (\*SB1279 by \*Cooper J)

Rep. Curtiss moved that House Bill No. 1124 be reset for the Regular Calendar on March 19, 2001, which motion prevailed.

**House Bill No. 555** -- Game and Fish Laws - Prohibits taking, possessing, or destroying albino deer; makes violation Class B misdemeanor. Amends TCA Title 70, Chapter 4, Part 1. by \*McDonald. (\*SB390 by \*Graves)

Rep. McDonald moved that House Bill No. 555 be reset for the Regular Calendar on March 15, 2001, which motion prevailed.

**House Bill No. 799** -- Insurance Companies, Agents, Brokers, Policies - Enacts "Charitable Gift Annuities Exemption Act." Amends TCA Title 56, Chapter 52, Part 1. by \*Fitzhugh. (\*SB932 by \*McNally)

Further consideration of House Bill No. 799 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Fitzhugh moved that House Bill No. 799 be passed on third and final consideration.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 799 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 2 was adopted.

Rep. Fitzhugh moved that **House Bill No. 799**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks, Brown, Chumney -- 3.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Kisber moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 114 out of order, which motion prevailed.

**Senate Joint Resolution No. 114** -- Naming and Designating - Designates press room adjacent to Room 12/14 in Legislative Plaza as "Speaker George Oliver Benton Suite." by \*Cohen.

On motion of Rep. Kisber, with the request that all members voting aye be added as sponsors, the resolution was concurred in.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. Patton, **House Bill No. 1313** was recalled from the Consumer and Employee Affairs Committee and withdrawn from the House.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 233:** Rep(s). Arriola and Langster as prime sponsor(s).

**House Bill No. 352:** Rep(s). Curtiss and Fraley as prime sponsor(s).

**House Bill No. 717:** Rep(s). Head as prime sponsor(s).

**House Bill No. 817:** Rep(s). Brown as prime sponsor(s).

**House Bill No. 1331:** Rep(s). Shepard as prime sponsor(s).

**MESSAGE FROM SENATE**

**March 12, 2001**

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 614, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**March 12, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 219, 798, 799, 1206, 1950, 1951, 1954, 1955, 1956, 1957, 1960, also, House Joint Resolution(s) No(s). 13, 118, 120, 122, 123 and 124.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 12, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill No. 614.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 1, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 12, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 116; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 12, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 254; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 12, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 12, 62, 67, 85, 133, 136, 304, 390, 458, 550, 551, 891, 1099, 1586, 1640, 1644, 1647, 1650, 1793 and 1888; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 12** -- Fines and Penalties - Clarifies that fine imposed for driving on canceled, suspended, or revoked license due to second or subsequent conviction for vehicular assault, vehicular homicide, or driving while intoxicated is not more than \$3000. Amends TCA Title 55, Chapter 50, Part 5. by \*Cohen. (HB790 by \*Briley)

**\*Senate Bill No. 62** -- Sunset Laws - Terminates Caney Fork development corporation. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by \*Harper. (HB923 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 67** -- Sunset Laws - Terminates state volunteer advisory board. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by \*Harper. (HB969 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 85** -- Sunset Laws - Terminates authority to create Tennessee local neighborhood development corporations; grandfathers in existing local neighborhood development corporations. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by \*Harper. (HB975 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 133** -- Police - Provides that high school equivalency degree obtained from accredited correspondence school that is recognized as such by any institution of higher education in this state is sufficient to satisfy qualifications necessary to become police officer. Amends TCA Title 38, Chapter 8, Part 1. by \*Jackson. (HB183 by \*Shepard)

**MONDAY, MARCH 12, 2001 – SEVENTEENTH LEGISLATIVE DAY**

**\*Senate Bill No. 136** -- Managed Care Organizations - Requires commissioner of commerce and insurance in consultation with commissioner of health to promulgate by rule uniform claims process for TennCare MCOs and providers. Amends TCA Title 56 and Title 71. by \*Kurita, \*Crowe, \*Davis L. (HB270 by \*Williams (Williamson))

**\*Senate Bill No. 304** -- Education - Adds vision screening to requirements for admission to public school, nursery school, kindergarten, preschool and child care; encourages parents to also obtain child's vision screening within six months of third grade. Amends TCA Title 49, Chapter 6, Part 50. by \*Dixon, \*Crowe, \*Herron, \*Burks. (HB704 by \*Cooper B, \*Towns, \*Jones U (Shelby), \*Armstrong, \*DeBerry L, \*Shaw, \*Turner (Shelby), \*Bowers, \*Brooks, \*Chumney, \*Garrett, \*Pruitt, \*Jones, S., \*Miller L, \*McDonald, \*Langster)

**\*Senate Bill No. 390** -- Game and Fish Laws - Prohibits taking, possessing, or destroying albino deer; makes violation Class B misdemeanor. Amends TCA Title 70, Chapter 4, Part 1. by \*Graves. (HB555 by \*McDonald)

**\*Senate Bill No. 458** -- Emergency Communications Districts - Requires members of local emergency communications districts to serve until replacement members are appointed; authorizes state emergency communications board to set rate structure sufficient to provide for expenses and maintenance of district. Amends TCA Section 7-86-105 and Section 7-86-304. by \*Rochelle. (HB1137 by \*McMillan)

**Senate Bill No. 550** -- Criminal Offenses - Includes email and internet services as means by which person may commit offense of harassment. Amends TCA Title 39, Chapter 17. by \*Rochelle, \*Burks. (\*HB302 by \*Briley)

**\*Senate Bill No. 551** -- Sexual Offenses - Revises offense of solicitation of minor to include solicitation of person solicitor believes to be minor. Amends TCA Title 39, Chapter 13, Part 5. by \*Rochelle. (HB711 by \*Sands)

**\*Senate Bill No. 891** -- Health Care - Requires persons practicing reflexology for compensation to be registered with department of health; imposes sanctions for unauthorized practice of reflexology; prescribes manner to obtain registration and sets fees; requires division of health related boards to oversee registrants. Amends TCA Title 63. by \*Atchley, \*Herron. (HB890 by \*Armstrong, \*Tindell, \*Boyer)

**\*Senate Bill No. 1099** -- State Inmates - Revises procedure for payment of fees and costs by inmate who files civil action. Amends TCA Section 41-21-807; Section 41-21-808 and Section 41-21-801. by \*Haynes. (HB816 by \*Sands)

**\*Senate Bill No. 1586** -- Biocides and Herbicides - Redefines certain terms and revises penalty classifications for violations of Tennessee Application of Pesticides Act of 1978. Amends TCA Title 62, Chapter 21, Part 1. by \*Kurita. (HB1592 by \*Rinks)

**Senate Bill No. 1640** -- Professions and Occupations - Makes printing of annual rosters of design professionals, general contractors, and land surveyors optional. Amends TCA Section 62-2-207, 62-6-110, and 62-18-108. by \*Burchett, \*Clabough. (\*HB1363 by \*Johnson, \*Boyer)

**MONDAY, MARCH 12, 2001 – SEVENTEENTH LEGISLATIVE DAY**

**Senate Bill No. 1644** -- Real Estate Agents and Brokers - Allows nonresident properly licensed in another state to receive temporary real estate appraiser permit. Amends TCA Section 62-39-338. by \*Atchley, \*Clabough. (\*HB1367 by \*Walker, \*Ford S)

**Senate Bill No. 1647** -- Probation and Parole - Requires department of correction, instead of board of probation and parole, to notify victim witness coordinator of parole eligibility date; requires board, instead of department, to notify appropriate officials regarding release eligibility date for felons with two-year sentence or less. Amends TCA Title 40. by \*Norris, \*Atchley. (\*HB1370 by \*Westmoreland, \*McKee)

**Senate Bill No. 1650** -- Hazardous Materials - Requires commissioner of environment and conservation to establish program for lead-based paint hazard education for owners and occupants of target housing and child-occupied facilities. Amends Tennessee Code Annotated Title 68, Chapter 131, Part 4. by \*Ramsey, \*Atchley. (\*HB1373 by \*McCord, \*Ford S)

**Senate Bill No. 1793** -- Medical Occupations - Revises renewal of licenses and permits for emergency services and emergency services vehicles from one to two years; authorizes prorated fees during transition from one to two year renewals; removes \$25.00 cap on reinstatement fee for EMS personnel. Amends TCA Title 68, Chapter 140. by \*Ramsey, \*Williams. (\*HB1158 by \*Godsey, \*Towns, \*Windle, \*Mumpower, \*Givens, \*Patton, \*Armstrong, \*Black, \*Shepard, \*Caldwell, \*Pleasant)

**Senate Bill No. 1888** -- Parks, Natural Areas Preservation - Designates Sequatchie Cave and Langford Branch natural-scientific areas; increases size of four natural-scientific areas; authorizes \$10,000 fine for damaging natural area. Amends part 1 of Chapter 14 of Title 11 of the Tennessee Code. by \*Elsa, \*Cohen. (\*HB1308 by \*White, \*Fraleigh)

**CONSENT CALENDAR  
March 12, 2001**

The following local bills have been placed on the Consent Calendar for **March 15, 2001**: House Bill(s) No(s). 941, 959, 970, 972, 973, 1062, 919, 935, 939 and 952.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96



## **MONDAY, MARCH 12, 2001 – SEVENTEENTH LEGISLATIVE DAY**

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

### **RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, March 15, 2001.